

Cousins, W. R., District No. 4, Beaumont.  
 DeBerry, Tom, District No. 8, Bogata.  
 Duggan, Arthur P., District No. 30, Littlefield.  
 Fellbaum, Ernest, District No. 26, San Antonio.  
 Greer, Julian P., District No. 6, Elkhart.  
 Holbrook, T. J., District No. 17, Galveston.  
 Hopkins, W. K., District No. 19, Gonzales.  
 Hornsby, John W., District No. 20, Austin.  
 Martin, Will M., District No. 12, Hillsboro.  
 Moore, Joe M., District No. 10, Greenville.  
 Murphy, Cecil, District No. 9, Gainesville.  
 Neal, (Miss) Margie E., District No. 2, Carthage.  
 Oneal, Ben G., District No. 23, Wichita Falls.  
 Pace, Will D., District No. 7, Tyler.  
 Parr, A., District No. 27, Benavides.  
 Patton, Nat, District No. 5, Crockett.  
 Poage, W. R., District No. 13, Waco.  
 Purl, George Clark, District No. 11, Dallas.  
 Rawlings, Frank H., District No. 28, Fort Worth.  
 Redditt, John S., District No. 3, Lufkin.  
 Regan, K. M., District No. 29, Pecos.  
 Russek, Gus, District No. 15, Schulenburg.  
 Sanderford, Roy, District No. 21, Belton.  
 Small, C. C., District No. 31, Amarillo.  
 Stone, Albert, District No. 14, Brenham.  
 Woodruff, H. Grady, District No. 22, Decatur.  
 Woodul, Walter, District No. 16, Houston.  
 Woodward, Walter C., District No. 25, Coleman.

#### FIRST DAY (Continued.)

Senate Chamber,  
 Austin, Texas,  
 January 11, 1933.

The Senate met at 10 o'clock a. m. pursuant to recess, and was called to order by President Pro Tem. Walter Woodul.

#### Bills and Resolutions.

By Senator Woodul:

S. B. No. 1, A bill to be entitled "An Act providing for the ordering of special elections to fill public offices and for fixing the time for the holding thereof; providing that special elections shall be ordered to fill vacancies in certain public offices; providing that special elections be ordered to elect a person to fill the unexpired term and a person to fill the succeeding term in certain offices where the incumbent is re-elected and thereafter dies, resigns or for any other reason a vacancy occurs in the unexpired term, and no person is legally entitled to fill the term to which the former officer was elected to succeed himself; providing that an election shall be ordered upon acceptance of resignation of the incumbent of certain offices where he tenders a resignation effective at a future date, to select a successor to the incumbent for the unexpired term; providing that where the officer-elect of certain offices dies before qualifying or becomes ineligible to qualify for the office to which he was elected, an election to select a successor to the incumbent shall immediately be ordered; designating the Governor as the proper officer to receive and accept resignations of public officers where no other officer is authorized to receive same; repealing Art. 2952, Revised Civil Statutes of 1925; validating elections heretofore made where same would have been authorized under this Act; providing that if any section, paragraph or provision hereof be held unconstitutional or invalid the remaining portions of this Act shall not be affected but shall remain in force and effect; and declaring an emergency."

Read and referred to Committee on Privileges and Elections.

By Senator Holbrook:

S. B. No. 2, A bill to be entitled "An Act appropriating the sum of two hundred thousand (\$200,000.00) dollars, or so much thereof as may be necessary, payable out of the general revenue and not otherwise appropriated, to pay the mileage of members, their per diem, and to pay the salaries and per diem of officers and employees of the Forty-third Legislature of the State of Texas; and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Holbrook:

S. B. No. 3, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000.00), or so much thereof as may be necessary, out of the general revenue of the State of Texas, to pay the contingent expenses of the Regular Session of the Forty-third Legislature of the State of Texas, providing how accounts may be approved, and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Woodul:

S. B. No. 4, A bill to be entitled "An Act to amend Article 5006 of the Revised Civil Statutes of Texas of 1925 so as to include the bonds or other interest-bearing evidence of indebtedness of navigation districts among those in which insurance companies are authorized to invest their funds; and declaring an emergency."

Read and referred to Committee on Insurance.

By Senator Woodul:

S. B. No. 5, A bill to be entitled "An Act to amend Article 2029 of the Revised Civil Statutes of Texas of 1925, as amended by Chapter 124 of the Acts of the Regular Session of the Forty-first Legislature of the State of Texas, so as to add navigation district bonds to those acceptable for deposit by State depositories; and declaring an emergency."

Read and referred to Committee on Banks and Banking.

By Senator Woodul:

S. B. No. 6, A bill to be entitled "An Act to amend Articles 8253 and 8254 of the Revised Civil Statutes of Texas of 1925 providing for the appointment of branch and deputy pilots, requiring a bond conditioned upon the faithful performance of his duties as a pilot, providing for the approval of bond by the pilot commissioners of the district, requiring an oath of office, authorizing suit on bond by any person, firm, or corporation injured or damaged, fixing the term of office of pilots and their deputies and the responsibility of the pilot for his deputy; and declaring an emergency."

Read and referred to Committee on State Affairs.

By Senator Neal, by request:

S. B. No. 7, A bill to be entitled "An Act providing that in suits for damages contributory negligence shall not defeat a recovery, but may diminish the recoverable damages in proportion to the amount of negligence attributable to the plaintiff, or to the deceased where injury causes death, except where the violation by the defendant of a statute enacted for the safety of employees contributed to the injury or death of an employee; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Neal, by request:

S. B. No. 8, A bill to be entitled "An Act to simplify procedure in the Appellate Courts by limiting reversals to errors but for which a different judgment probably would have been entered; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Neal, by request:

S. B. No. 9, A bill to be entitled "An Act to amend Chapter 8 of Title 42 of the Texas Revised Civil Statutes of 1925, by adding thereto Article 2190a, providing that it shall not be misconduct for a jury to know and discuss the effect of answers to issues; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

#### Senate Simple Resolution No. 2.

Senator Woodward sent up the following resolution:

Be It Resolved, That the members of the Senate of the Forty-third Legislature be and they are permitted to retain the seats and desks which they formerly occupied during previous sessions of the Senate, the newly elected members to occupy the seats and desks occupied by their predecessors; provided, however that any Senators may agree among themselves for exchange of seats and desks when they so desire.

WOODWARD.

Read and adopted.

#### Senate Simple Resolution No. 3.

Senator Woodward sent up the following resolution:

Be It Resolved, That a committee of three be appointed by the Lieutenant Governor to notify the Governor that the Senate has completed its organization and is ready to transact business.

WOODWARD.

Read and adopted.

#### Senate Simple Resolution No. 4.

Senator Woodward sent up the following resolution:

Be It Resolved, That a committee of three be appointed by the Lieutenant Governor to notify the House that the Senate has completed its organization and is ready to transact business.

WOODWARD.

Read and adopted.

#### Senate Simple Resolution No. 5.

Senator Woodward sent up the following resolution:

Be It Resolved, That the Senate rules adopted by the Forty-second Legislature be and they are hereby adopted as the temporary rules for the Senate of the Forty-third Legislature now assembled, and that the rules thus temporarily adopted shall prevail until otherwise ordered by the Senate.

WOODWARD.

The resolution was read.

Senator Rawlings sent up the following amendment:

Amend by adding thereto: "Provided, however, the procedure provided for in the Constitution with reference to introduction and passage of bills shall prevail."

RAWLINGS,

PURL.

The amendment was unanimously adopted.

The resolution as amended was adopted.

#### S. C. R. No. 1.

Senator Woodward sent up the following resolution:

Be It Resolved by the Senate of Texas, the House of Representatives concurring, That the joint rules of the Senate and House adopted by the Forty-second Legislature be adopted as the joint rules of the Senate and House of the Forty-third Legislature until amended or changed by action of both the Senate and the House.

WOODWARD.

The resolution was read.

Senator Rawlings sent up the following amendment:

Amend by adding thereto: "Provided, however, the procedure provided for in the Constitution with reference to introduction and passage of bills shall prevail."

RAWLINGS,  
PURL.

Read and adopted.

The resolution as amended was adopted.

#### S. C. R. No. 2.

Senator Stone sent up the following resolution:

Be It Resolved by the Senate of Texas, the House of Representatives concurring, That the President of the Senate appoint five Senators and the Speaker of the House of Representatives appoint five members of the House of Representatives, to count the votes in the recent election for Governor and Lieutenant Governor, and to make all necessary arrangements for their inauguration.

STONE.

Read and adopted.

#### Committee to Count Votes.

The Chair announced the appointment of the following committee on the Governor's Inauguration:

Senators Hornsby, Stone, Parr, Russek, Martin.

#### Senate Standing Committees.

The Chair announced the appointment of the following standing committees:

Agricultural Affairs: DeBerry, Chairman; Poage, Vice Chairman; Duggan, Murphy, Neal, Pace, Patton, Redditt, Small, Stone.

Banking: Russek, Chairman; Regan, Vice-Chairman; Collie, Cousins, Holbrook, Hopkins, Hornsby, Purl, Woodruff, Woodul.

Civil Jurisprudence: Woodward, Chairman; Woodul, Vice-Chairman; Blackert, Collie, Cousins, Fellbaum, Hopkins, Hornsby, Murphy, Oneal, Rawlings, Redditt, Small.

Counties and County Boundaries: Fellbaum, Chairman; Pace, Vice-Chairman; Duggan, Greer, Martin, Murphy, Parr, Stone, Woodul.

Constitutional Amendments: Oneal, Chairman; Murphy, Vice-Chairman; DeBerry, Greer, Hopkins, Hornsby, Moore, Parr, Woodul, Woodward.

Contingent Expense: Beck, Chairman; Greer, Vice-Chairman; Neal, Parr, Russek, Stone, Woodul.

Criminal Jurisprudence: Small, Chairman; Woodruff, Vice-Chairman; Collie, Cousins, Fellbaum, Hopkins, Hornsby, Martin, Moore, Murphy, Parr, Purl, Woodward.

Educational Affairs: Neal, Chairman; Greer, Vice-Chairman; Duggan, Hopkins, Hornsby, Pace, Parr, Purl, Regan, Small, Woodruff, Woodward.

Commerce and Manufacturing: Blackert, Chairman; Russek, Vice-Chairman; Fellbaum, Holbrook, Hornsby, Neal, Poage, Purl, Redditt.

Congressional Districts: Greer, Chairman; Hornsby, Vice-Chairman; Blackert, Collie, Duggan, Holbrook, Martin, Oneal, Pace, Parr, Russek, Small, Woodward.

Engrossed Bills: Regan, Chairman; Redditt, Vice-Chairman; Patton.

Enrolled Bills: Greer, Chairman; Fellbaum, Vice-Chairman; Moore.

Federal Relations: Woodul, Chairman; Blackert, Vice-Chairman; Beck, Neal, Purl.

Finance: Holbrook, Chairman; Beck, Vice-Chairman; Cousins, DeBerry, Duggan, Greer, Hopkins, Hornsby, Moore, Parr, Patton, Purl, Poage, Redditt, Regan, Russek, Sanderford, Stone, Small, Woodruff, Woodward.

Insurance: Moore, Chairman; Purl, Vice-Chairman; Blackert, Cousins, Holbrook, Hornsby, Pace, Poage, Rawlings, Russek, Woodruff, Woodward, Woodul.

Internal Improvements: Redditt, Chairman; Duggan, Vice-Chairman; Collie, Greer, Martin, Parr, Purl, Rawlings, Woodul.

Judicial Districts: Woodul, Chairman; Martin, Vice-Chairman; Collie, Neal, Russek, Regan, Small.

Labor: Purl, Chairman; Fellbaum, Vice-Chairman; Cousins, Murphy, Sanderford, Rawlings, Woodruff, Woodul.

Mining, Irrigation and Drainage: Cousins, Chairman; Regan, Vice-Chairman; Blackert, DeBerry, Hopkins, Holbrook, Parr, Small, Stone, Woodward, Woodul.

Military Affairs: Woodruff, Chairman; Poage, Vice-Chairman; Beck, Pace, Redditt, Russek, Sanderford, Woodul.

Nominations of the Governor: Martin, Chairman; Sanderford, Vice-

Chairman; Beck, Cousins, DeBerry, Fellbaum, Moore, Redditt, Woodward, Woodul, Parr.

Privileges and Elections: Poage, Chairman; Martin, Vice-Chairman; Collie, Cousins, DeBerry, Greer, Neal, Patton, Woodruff.

Public Buildings and Grounds: Murphy, Chairman; Russek, Vice-Chairman; Greer, Neal, Patton, Purl, Woodruff.

Public Printing: Duggan, Chairman; Stone, Vice-Chairman; Greer, Holbrook, Poage, Rawlings, Russek, Redditt, Small, Woodruff.

Public Land and Land Office: Woodruff, Chairman; Oneal, Vice-Chairman; Collie, Holbrook, Moore, Regan, Small, Woodward.

Public Health: Beck, Chairman; Cousins, Vice-Chairman; Holbrook, Hornsby, Moore, Neal, Rawlings, Small, Woodruff.

Public Debts: Pace, Chairman; Neal, Vice-Chairman; Blackert, Greer, Pace, Poage, Small, Stone.

Representative Districts: Stone, Chairman; Russek, Vice-Chairman; Fellbaum, Patton, Poage, Regan, DeBerry.

Rules: Hornsby, Chairman; Small, Vice-Chairman; Hopkins, Martin, Oneal, Parr, Poage, Russek, Woodward.

Senatorial Districts: Sanderford, Chairman; Collie, Vice-Chairman; DeBerry, Martin, Parr, Regan, Russek, Woodward.

State Affairs: Hopkins, Chairman; Woodul, Vice-Chairman; Collie, Cousins, DeBerry, Holbrook, Hornsby, Martin, Moore, Oneal, Parr, Purl, Patton, Regan, Russek, Small, Woodward.

State Highways and Motor Traffic: Rawlings, Chairman; DeBerry, Vice-Chairman; Duggan, Fellbaum, Martin, Moore, Oneal, Parr, Regan, Russek, Small, Sanderford, Woodul, Woodward.

State Institutions and Departments: Purl, Chairman; Hornsby, Vice-Chairman; Beck, Duggan, Greer, Martin, Neal, Pace, Patton, Redditt, Sanderford.

State Penitentiaries: Patton, Chairman; DeBerry, Vice-Chairman; Beck, Duggan, Holbrook, Hopkins, Murphy, Neal, Rawlings, Redditt, Regan, Woodul, Woodward.

Stock and Stockraising: Parr, Chairman; Oneal, Vice-Chairman; Collie, Fellbaum, Martin, Murphy,

Pace, Poage, Rawlings, Stone, Woodruff.

Town and City Corporations: Collier, Chairman; Martin, Vice-Chairman; Pace, Purl, Poage, Sanderford.

#### Notification Committees Appointed.

The Chair appointed the following committees to notify the Governor and the House that the Senate was organized and ready for business:

To notify the Governor: Senators Rawlings, Regan, and Holbrook.

To notify the House: Senators DeBerry, Russek, and Poage.

#### Notification Committees Report.

The committee to notify the House appeared at the bar of the Senate and Senator DeBerry reported that the committee had performed its duty.

The committee to notify the Governor appeared at the bar of the Senate and Senator Rawlings reported that the committee had performed its duty.

#### Enforcement of Rule 92 Called For.

Senator Purl called for the enforcement of Senate Rule 92. The Chamber was cleared of all persons not entitled to the privileges of the floor.

#### Messages From the Governor.

Executive Office,  
Austin, Texas, Jan. 11, 1933.  
To the Senate of Texas, Forty-third Legislature:

I have reappointed and submit for your confirmation the following persons, to succeed themselves, respectively, as members of the Board of Regents of the University of Texas, for the next ensuing statutory term, namely:

Hon. R. L. Batts, Austin.

Hon. Robert L. Holliday, El Paso.

Hon. Edward Crane, Dallas.

Respectfully submitted,

R. S. STERLING, Governor.

Read and referred to Committee on Governor's Nominations.

Executive Office,  
Austin, Texas, Jan. 11, 1933.  
To the State Senate of Texas, Forty-third Legislature:

Gentlemen: As an emergency matter for your special consideration and confirmation, I am sub-

mitting the name of Honorable Renne Allred, Jr., whom I have appointed as Judge of the Special District Court of Rusk and Gregg counties.

In this connection I call your attention to the fact that this appointment was submitted to the State Senate at the Fourth Called Session of the Forty-second Legislature and regularly confirmed by the Senate. It develops, however, that the act of said Legislature creating said Special District Court of Rusk and Gregg counties was a ninety day bill and did not become effective until December 21, 1932, which was after this appointment had been confirmed by the Senate. Some question has been raised as to whether the Governor had a right to make this prospective appointment until after the act had actually gone into effect and, while I believe the appointment and confirmation was in every respect regular and valid, in the abundance of precaution I have reappointed Honorable Renne Allred, Jr., as Judge of said Special District Court of Rusk and Gregg counties, and am again submitting his name to you for confirmation.

Respectfully submitted,

R. S. STERLING,

Governor.

Read and referred to Committee on Governor's Nominations.

Executive Office,  
Austin, Texas, Jan. 11, 1933.  
To the Members of the Forty-third Legislature:

I hereby submit for your special consideration as an emergency matter the following:

Honorable John N. Garner, representing the 15th district of Texas and now serving as Speaker of the Seventy-third Congress, was re-elected in the last general election and at the same time honored by election as Vice-President of the United States. Necessarily, he can not qualify for both offices on March 4, 1933, and, with forethought characteristic of this servant of the people, he has notified me in writing that he does not intend to qualify as congressman from the 15th district and desires to resign his rights in the premises. This resignation has been accepted by me.

The resignation of Mr. Garner from the term commencing March 4, 1933, discloses a defect in our elec-

tion laws. I have been advised by the Attorney General that under the laws as they exist at present, the Governor is without authority to call a special election to fill a vacancy until the vacancy has actually occurred. This defect in the law threatens to deprive the citizenship of the 15th district of the representation for a time at least, to which they are entitled in the National Congress.

A similar emergency has arisen in the 8th district by virtue of the sad passing away of the beloved Dan Garrett. I have heretofore called a special election for the 28th day of January, 1933, to fill his present unexpired term and at the same time, because it was deemed to be in the interest of the general public and in order to economize, have called an election to fill the full or regular term. There seems to be some doubt as to the authority of the Governor to call this special election for the latter purpose.

I am therefore submitting in these emergencies for your special consideration the matter of providing for the ordering of special elections to fill prospective vacancies. A bill has been prepared, and will be introduced in the Senate by Senator Woodul, to provide for the ordering of special elections and fixing the time for the holding thereof, and providing that special elections may be ordered to elect a person to fill an unexpired term and to fill the succeeding term in certain offices where the incumbent is re-elected and thereafter dies, resigns, or where for any other reason a vacancy occurs in the unexpired term; providing that an election shall be ordered upon acceptance of resignation of an incumbent where he tenders a resignation effective at a future date; providing that where the officer-elect of certain offices dies before qualifying or becomes ineligible to qualify for the office to which he was elected, an election to select a successor to the incumbent shall immediately be ordered; designating the Governor to receive and accept resignations where no other officer is authorized to receive same; repealing Article 2952, Revised Civil Statutes of 1925; and validating elections heretofore held, or orders of election heretofore made, where same would have been authorized

under the terms of the proposed act.

I am attaching hereto a copy of the proposed bill, which I believe will take care of these contingencies and better protect the interests of the people.

Respectfully submitted,

R. S. STERLING,  
Governor.

#### A BILL

##### To Be Entitled

An Act providing for the ordering of special elections to fill public offices and for fixing the time for the holding thereof; providing that special elections shall be ordered to fill vacancies in certain public offices; providing that special elections be ordered to elect a person to fill the unexpired term and a person to fill the succeeding term in certain offices where the incumbent is re-elected and thereafter dies, resigns or where for any other reason a vacancy occurs in the unexpired term, and no person is legally entitled to fill the term to which the former officer was elected to succeed himself; providing that an election shall be ordered upon acceptance of resignation of the incumbent of certain offices where he tenders a resignation effective at a future date, to select a successor to the incumbent for the unexpired term; providing that where the officer-elect of certain offices dies before qualifying or becomes ineligible to qualify for the office to which he was elected, an election to select a successor to the incumbent shall immediately be ordered; designating the Governor as the proper officer to receive and accept resignations of public officers where no other officer is authorized to receive same; repealing Article 2952, Revised Civil Statutes of 1925; validating elections heretofore held or orders of election heretofore made where same would have been authorized under this Act; providing that if any section, paragraph or provision hereof be held unconstitutional or invalid the remaining portions of this Act shall not be affected but shall remain in force and effect; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Where special elec-

tions are authorized by this Act, the officer authorized by law to order elections shall make such order, fixing the time of the election not less than twenty nor more than sixty days after the first public notice of such order.

Sec. 2. Where vacancies which are to be filled by election occur in a civil office, an election shall immediately be ordered to fill the unexpired term.

Sec. 3. Where an officer, holding an office the vacancy of which is to be filled by election, is re-elected to a term of office succeeding that of which he is the incumbent, and where, after the re-election of said officer, by reason of the death or resignation of the officer or otherwise, there is no person legally entitled to fill the office for the unexpired term or to fill the office for the succeeding term to which the former officer was elected to succeed himself, an election shall be immediately ordered to elect a person to fill the unexpired term in said office and to elect a person to fill the term of office succeeding the unexpired term.

Sec. 4. When the incumbent of an office, the vacancy of which is to be filled by election, tenders to the officer authorized by law to receive same a written resignation effective at a future date, an election shall be ordered immediately after acceptance of the resignation to elect a successor to the incumbent to fill the term of office unexpired from and after the effective date of the resignation.

Sec. 5. When an officer-elect to an office a vacancy in which must be filled by election, tenders to the officer authorized by law to receive the resignation of an incumbent of the office to which said officer-elect was elected, a declaration in writing of his intention not to qualify for the office to which he was elected, an election shall be ordered immediately upon receipt of said written declaration to elect a successor to the incumbent of the office.

Sec. 6. When the officer-elect to an office which must be filled by election dies or becomes ineligible to qualify for the office to which he was elected, the proper officer shall immediately order an election to elect a successor to the incumbent of the office.

Sec. 7. Where no officer is otherwise authorized by law to receive and accept the resignation of an officer, the Governor is hereby designated as the officer to do so, and he is hereby empowered and authorized to receive and accept the resignation of all such officers.

Sec. 8. Article 2952, Revised Civil Statutes, 1925, is hereby expressly repealed.

Sec. 9. All elections heretofore held or orders of elections heretofore made are hereby validated where same would have been authorized under the provisions of this Act.

Sec. 10. If any section, paragraph, or provision of this Act be held or declared unconstitutional or invalid for any reason, such holding shall not in any manner affect the remaining sections, paragraphs, or provisions of this Act, but the same shall remain in full force and effect.

Sec. 11. The fact that existing laws do not adequately provide for the continuous representation of the people of this State, and in view of the fact that there are now existent situations whereby the people of this State will soon be deprived of the representation to which they are entitled unless existing laws are changed, creates an emergency and an imperative public necessity requiring that the constitutional rule that bills be read on three several days in each House be, and the same is hereby suspended, and this Act shall take effect and be in force from the date of its passage, and it is so enacted.

#### S. C. R. No. 3.

Senator DeBerry sent up the following resolution:

Be It Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the pay of the members of the Regular Session of the Forty-third Legislature is hereby fixed at Eight Dollars (\$8.00) per diem.

Be it further Resolved, In addition to the per diem the members of each House shall be entitled to mileage in going to and returning from the seat of government, which mileage shall be Two Dollars and Fifty Cents (\$2.50) for every twenty-five (25) miles, the distance to be computed by the nearest and most direct route of travel, from a table

of distance prepared by the Comptroller to each county seat now or hereafter to be established, no member to be entitled to mileage for any extra session that may be called in one (1) day after the adjournment of the Regular or any Called Session of this Legislature.

DeBERRY,  
POAGE,  
ONEAL,  
HOLBROOK.

The resolution was read.

Senator Poage sent up the following amendment:

Amend Senate Concurrent Resolution No. 3 by adding the following at the end of the first paragraph:

Provided, however, that for each and every day that any member may be absent from a session of the Legislature, such member shall receive One Dollar per day and no more, unless such member shall have been excused by the presiding officer on account of illness or death.

POAGE.

The amendment was read.

Senator Rawlings sent up the following amendment to the amendment:

Providing further, however, that if, during such absence, such member is attending to matters pertaining to his official duties, he shall be entitled to the regular compensation.

RAWLINGS.

Read and adopted.

The amendment as amended was lost by the following vote:

Yeas—7.

Collie.	Oneal.
DeBerry.	Poage.
Hornsby.	Redditt.
Neal.	

Nays—21.

Beck.	Patton.
Blackert.	Purl.
Duggan.	Rawlings.
Fellbaum.	Regan.
Greer.	Russek.
Holbrook.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodul.
Pace.	Woodward.
Parr.	

Absent.

Cousins.	Woodruff.
Hopkins.	

Senator Martin sent up the following amendment:

Amend S. C. R. No. 3 by striking out the words and figures \$8.00 wherever they appear and inserting in lieu thereof the words and figures \$10.00.

MARTIN.

The amendment was read.

Senator Purl sent up the following substitute for the amendment:

Amend resolution: Strike out \$8.00; insert \$7.50.

PURL.

The substitute was read.

Senator Holbrook moved to recess until 2.30 o'clock p. m. The motion was lost by the following vote:

Yeas—10.

Collie.	Oneal.
Cousins.	Poage.
DeBerry.	Rawlings.
Holbrook.	Stone.
Martin.	Woodward.

Nays—19.

Beck.	Parr.
Blackert.	Patton.
Duggan.	Purl.
Fellbaum.	Redditt.
Greer.	Regan.
Hornsby.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Woodul.
Pace.	

Absent.

Hopkins.	Woodruff.
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The substitute amendment was lost by the following vote:

Yeas—12.

Collie.	Neal.
DeBerry.	Oneal.
Duggan.	Poage.
Holbrook.	Purl.
Hornsby.	Rawlings.
Murphy.	Redditt.

Nays—17.

Beck.	Patton.
Blackert.	Regan.
Cousins.	Russek.
Fellbaum.	Sanderford.
Greer.	Small.
Martin.	Stone.
Moore.	Woodul.
Pace.	Woodward.
Parr.	



Absent.

Hopkins. Woodruff.

Senator Woodward sent up the following substitute for the amendment:

Amend the amendment by striking out \$8.00 and insert in lieu thereof five dollars.

WOODWARD,  
RAWLINGS.

The substitute was read.

Senator Martin raised the point of order that a previous amendment providing for \$7.50 per day had been killed and therefore this amendment providing a lesser amount was out of order.

The Chair, President Pro Tem. Walter Woodul, overruled the point of order.

The substitute for the amendment was lost by the following vote:

Yeas—8.

Hornsby.	Rawlings.
Oneal.	Redditt.
Patton.	Woodruff.
Purl.	Woodward.

Nays—22.

Beck.	Murphy.
Blackert.	Neal.
Collie.	Pace.
Cousins.	Parr.
DeBerry.	Poage.
Duggan.	Regan.
Fellbaum.	Russek.
Greer.	Sanderford.
Holbrook.	Small.
Martin.	Stone.
Moore.	Woodul.

Absent.

Hopkins.

## REASON FOR VOTE.

I vote "no" on the Woodward amendment for the reason that I do not believe that it is offered for the purpose of reducing salaries, but rather for the purpose of so changing the resolution as it will not be adopted. The record shows that the author of this amendment has in past sessions sent up this same amendment and has on each occasion later voted to set the pay at \$10.00 per day. I believe that the pay of the members should be cut and I want to see a resolution passed

that will pass the House and I do not propose to hide behind a Free Conference Report.

POAGE.

Senator Greer moved to recess until 2:30 o'clock p. m.

Senator Purl raised the point of order that no business had been transacted since the defeat of the same motion.

The Chair, President Pro Tem. Walter Woodul, overruled the point of order, holding that a roll call had been taken on the Woodward amendment since the previous motion to recess until 2:30 p. m. was defeated.

The motion to recess was lost by the following vote:

Yeas—8.

Cousins.	Martin.
Greer.	Oneal.
Holbrook.	Rawlings.
Hopkins.	Sanderford.

Nays—23.

Beck.	Patton.
Blackert.	Poage.
Collie.	Purl.
DeBerry.	Redditt.
Duggan.	Regan.
Fellbaum.	Russek.
Hornsby.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.
Parr.	

On motion of Senator Small, the previous question was ordered on the pending amendment and the adoption of the resolution.

The amendment was lost by the following vote:

Yeas—15.

Beck.	Pace.
Blackert.	Parr.
Cousins.	Patton.
Fellbaum.	Regan.
Greer.	Sanderford.
Hopkins.	Stone.
Martin.	Woodul.
Moore.	

Nays—15.

Collie.	Hornsby.
DeBerry.	Murphy.
Duggan.	Neal.
Holbrook.	Oneal.

Poage.  
Purl.  
Rawlings.  
Redditt.

Small.  
Woodruff.  
Woodward.

Absent.

Russek.

The resolution was adopted by the following vote:

Yeas—18.

Beck.	Neal.
Collie.	Oneal.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Russek.
Hornsby.	Small.
Murphy.	Woodward.

Nays—13.

Blackert.	Patton.
Fellbaum.	Regan.
Greer.	Sanderford.
Martin.	Stone.
Moore.	Woodruff.
Pace.	Woodul.
Parr.	

Recess.

On motion of Senator Moore, the Senate, at 12:50 o'clock p. m., recessed until 3 o'clock p. m.

After Recess.

The Senate met at 3 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem. Walter Woodul.

Senate Bill No. 2.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Holbrook:

S. B. No. 2, A bill to be entitled "An Act appropriating the sum of two hundred thousand (\$200,000.00) dollars, or so much thereof as may be necessary, payable out of the general revenue and not otherwise appropriated, to pay the mileage of members, their per diem, and to pay the salaries and per diem of officers and employees of the Forty-third Legislature of the State of Texas; and declaring an emergency."

On motion of Senator Holbrook, the rule requiring committee reports

to lie over one day was suspended by a unanimous vote.

The committee report was adopted.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 2 was put on its second reading by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 2 was

put on its third reading final passage, by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—1.

Moore.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Collie.
Blackert.	Cousins.

DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Murphy.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

Nays—1.

Moore.

**Senate Bill No. 3.**

The Chair laid before the Senate by unanimous consent, the following bill:

By Senator Holbrook:

S. B. No. 3, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000.00), or so much thereof as may be necessary, out of the general revenue of the State of Texas, to pay the contingent expenses of the Regular Session of the Forty-third Legislature of the State of Texas, providing how accounts may be approved, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by a unanimous vote.

The committee report was adopted.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 3 was put on its second reading by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 3 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Read the third time and finally passed by the following vote:

Yeas—31.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

At Ease.

On motion of Senator Murphy, the Senate, at 3:10 o'clock p. m., stood at ease for five minutes.

**Senate Simple Resolution No. 6.**

Senator Woodward sent up the following caucus report:

Austin, Texas, Jan. 10, 1933.

At a caucus held in the office of the Senate attended by thirty members of the Senate the following recommendations were made, to-wit:

The following officers were elected to serve for the ensuing Regular Session and at the salaries set opposite their names:

Secretary of the Senate: Bob Barker, \$10.00 per day.

Journal Clerk: Wendell O'Neal, \$6.00 per day.

Sergeant-at-arms: A. W. Holt, \$6.00 per day.

Calendar Clerk: Mrs. Martha Turner, \$6.00 per day.

Engrossing and Enrolling Clerk: Miss Essie McGinnis, \$6.00 per day.

Chaplain: Rev. W. H. Doss, \$5.00 per day.

It is recommended that each Senator, Lieutenant Governor and the Secretary of the Senate, be permitted to name one secretary and such employee shall act as clerk of the committee of which the Senator naming such employee shall be the chairman thereof, such employee to receive \$5.00 per day.

It is further recommended that each Senator and the Lieutenant Governor be permitted to name one employee of the Senate in addition to their private secretary; that the names of such employees be referred to a committee of five Senators appointed by the chairman of the caucus, said committee to be authorized to select from said employees all employees in the engrossing and enrolling room and other departments of the Senate and to assign said employees to their proper places of employment; said committee having no authority to add to said list of employees the names of any other person, said employees so named by the Senators and the Lieutenant Governor to receive the sum of \$4.50 per day.

It is further recommended that the several appointments of employees heretofore made by the Lieutenant Governor and announced in the Senate and considered by the caucus, are confirmed.

The salaries of the porters to be \$2.50 per day, except the head porter, whose salary shall be \$3.50 per day, and the salaries of the pages shall be \$2.50 per day and the salaries of the messengers shall be \$2.50 per day and the salary of the elevator operator shall be \$2.50 per day.

The Lieutenant Governor is requested to recommend that Southwestern Bell Telephone Company

employ Miss Mary Jacobs to attend the duties of telephone operator of the Senate, and a night operator to be named by the committee of five Senators, out of the employees whose names are filed with said committee.

The Lieutenant Governor and Senators are hereby fully authorized and empowered to use all assistant sergeant-at-arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that no employee of the Senate shall during the time he or she is employed, furnish to any person, firm or corporation any information or copies of bills or resolutions or any other matters or information pertaining to the Senate and they shall not receive any compensation from any person, firm or corporation during their employment by the Senate and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to some Senator or committee, shall report for duty at eight o'clock a. m., and one o'clock p. m., reporting to the Sergeant-at-arms of the Senate, and none of such employees shall be paid for days they are absent from the Senate.

It is further recommended that no person be employed by the Senate in any appointive capacity, except private secretaries, who at this time is a regular employee in any of the other governmental departments of the State or whose father, mother, husband or wife is at this time regularly employed by the State or by the United States Government, and no person, other than a resident citizen of the State, shall be employed by the Senate in any capacity.

It is further recommended that the Lieutenant Governor, each Senator and the Secretary of the Senate, be allowed the stationery and postage needed by them respectively, and expenses incurred in transmitting and receiving telephone and telegraph messages and express charges, such as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that 2500 Journals be printed; that same be prorated among the Senators and

Lieutenant Governor, except that 150 Journals shall be furnished the members of the House.

It is further recommended that the Sergeant-at-Arms rent such typewriters as may be necessary for the use of the employees of the Senate, such rentals not to exceed \$2.50 per machine per month.

It is further recommended that the Secretary of the Senate be paid for not exceeding seven days for his services rendered in advance of and in preparation for the convening of this Regular Session; that the porters who were selected to prepare the Senate Chamber in advance of the meeting, be allowed pay for two days, and the Sergeant-at-arms be allowed pay for each day of service from the date he ceased drawing compensation from his other employment, the per diem allowed each of the employees mentioned in this section to be the same as fixed herein.

It is further recommended that the Senate request the State Comptroller of Public Accounts to issue general revenue warrants for the pay of the members and employees of the Senate upon the presentation of a pay roll account signed by the presiding officer.

The chairman of the caucus named the following members of the Senate as the committee of five, as hereinabove mentioned:

Woodward, Russek, Patton, Hopkins, and Redditt.

It is further recommended that each Senator, as quickly as possible, file with the Secretary of the Senate the name of his private secretary selected; that he also file with the chairman of the committee of five Senators aforesaid, the name of the employee selected, together with his or her postoffice address and a suggestion as to the special qualification of said employee.

It is further recommended that the names, places of residence and compensation of all employees be printed in the Journal, together with the name of the Senator responsible for the employment of his employee.

It is further recommended that the chairman of the Finance Committee be empowered to name four additional employees of the Finance Committee, one of whom shall re-

ceive \$7.50 per day, and the other three to receive \$5 per day.

PARR, Chairman.

The report was read and adopted.

### Adjournment.

On motion of Senator Woodruff, the Senate, at 3:34 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

## APPENDIX.

### Petitions and Memorials.

(Telegram.)

Austin, Texas, Jan. 10, 1933.

Hon. Bob Barker, Secy. of the Senate Chamber, Austin, Texas:

This opening day of the Texas Legislature finds my thoughts wandering through the past sessions of the Senate in which I had the pleasure to be an employee stop I think of the invaluable knowledge that I have gained from the many constructive thoughts spoken by Senators upon the floor of the Senate and a feeling of sadness reigns as I realize my absence from your distinguished presence stop respectfully

EDWARD HEWETT DAVIS.

### Committee on Engrossed Bills.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 2 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 3 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

### Committee Reports.

Committee Room,

Austin, Texas, Jan. 10, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

S. B. No. 1, A bill to be entitled "An Act providing for the ordering of special elections to fill public of-

fices and for fixing the time for the holding thereof, providing that special elections shall be ordered to fill vacancies in certain offices, etc. and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

POAGE.

Committee Room,  
Austin, Texas, Jan. 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 2, A Bill to be entitled "An Act appropriating the sum of two hundred thousand (\$200,000.00) dollars, or so much thereof as may be necessary, payable out of the General Revenue and not otherwise appropriated, to pay the mileage of members, their per diem, and to pay the salaries and per diem of officers and employees of the Forty-third Legislature of the State of Texas; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Chairman.

Committee Room,  
Austin, Texas, Jan. 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 3, A Bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000.00), or so much thereof as may be necessary, out of the general revenue of the State of Texas, to pay the contingent expenses of the Regular Session of the State of Texas, providing how accounts may be approved and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Chairman.

## SECOND DAY.

Senate Chamber,  
Austin, Texas,  
January 12, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Walter Woodul.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	Woodward.
Neal.	

Absent—Excused.

Rawlings. Small.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Russek.

## Bills and Resolutions.

By Senator Holbrook:

S. B. No. 10, A bill to be entitled "An Act to amend Article Number 1302 of the Revised Civil Statutes of Texas of 1925, by adding thereto a subdivision to be known as number 95, to read as follows: 'Subdivision 95. Corporations may be created for, or after being created, charters may be amended to include the construction, maintenance, and operation of radio broadcasting equipment and stations.' and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Holbrook:

S. B. No. 11, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of the State of Texas of 1925, so as to provide that private corporations may be formed for any lawful purpose or purposes, except as speci-